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Fax Cover Sheet

Date: 3/29/04 Time: 1:13 PM (PST)

To: ROGER C. ADAMS Fax: 202-616-6069

PARDON ATTORNEY Phone: 202-616-6070

From: CONGRESSMAN BOB FILNER / MANNY DORA

Number of Pages (including cover sheet): 23

Message: WHAT IS THE STATUS OF [REDACTED]
PARDON APPLICATION?

[REDACTED] SUBMITS THE ENCLOSED AFFIDAVITS
IN SUPPORT OF HIS APPLICATION.

PLEASE EXPEDITE!



U. S. Department of Justice

Pardon Attorney

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Washington, D.C. 20530

MAR 31 2004

The Honorable Bob Filner
Member, U.S. House of Representatives
333 F. Street, Suite A
Chula Vista, California 91910

Dear Congressman Filner:

This is in response to the communication of March 29, 2004 from your office concerning [REDACTED]. You asked for the status of a pardon application from [REDACTED] and requested that this matter be expedited.

[REDACTED] submitted a petition for pardon of his conviction for [REDACTED]. The conviction was in [REDACTED] and he was sentenced [REDACTED]. According to information provided by [REDACTED], he completed his sentence of incarceration on [REDACTED]. In accordance with §1.2 of the Rules Governing Petitions for Executive Clemency, a copy of which I have enclosed for your reference, a person is not eligible to apply for a pardon until five years have elapsed from the date of his release from incarceration. Thus, [REDACTED] is not eligible to apply for a pardon in the normal course until [REDACTED]. Mr. Diaz-Sosa's pardon application was received in my office on June 17, 2003. [REDACTED] was aware of the five-year waiting period and asked that I consider waiving it in his case.

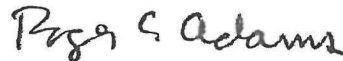
By letter of June 18, 2003, I informed [REDACTED] that I would consider his request for a waiver of the five-year waiting period, and in this connection asked that he inform me if he had been deported or removed to Mexico following his release from incarceration. [REDACTED] then informed me that he was certain he had never left the United States. Although I continued to have doubts about whether he had been deported and about whether he was still legally in the United States, by letter of August 22, 2003, I informed [REDACTED] that I was still considering his request for a waiver of the waiting period and planned to contact the U.S. Probation Office for information about his offense and adjustment following release from incarceration. Contacting the Probation Office is the usual first step in processing a pardon petition. [REDACTED] had not provided the usual authorization for release of information that is supposed to accompany pardon applications, and the purpose of my August 22, 2003 letter was to ask him to provide such an authorization. I used the address [REDACTED] had provided in El Centro, California, but the August 22 letter came back with a notation from the U.S. Postal Service that [REDACTED] address was unknown.

When I received the material from your office two days ago, I realized that [REDACTED] was living in Mexico. As I informed Mr. Doria of your staff, as a matter of longstanding practice, we generally do not process pardon requests from persons living outside the United States because of the difficulty in conducting the necessary background investigation.

To summarize: [REDACTED] does not now have a pardon petition pending in the Office of the Pardon Attorney and this office never opened a clemency case for him. I was considering whether to waive the five-year waiting period for [REDACTED] when I became unable to communicate with him because he had moved from the last address he had provided my office. Now that I know that he is, in fact, in Mexico, I have decided not to waive either the five-year waiting period or the policy concerning not processing requests from persons living outside the United States. As I discussed with Mr. Doria, if [REDACTED] wants to return legally to the United States, he must follow the policies and procedures of the Department of Homeland Security, the agency that has assumed responsibility for immigration matters formerly exercised by the Immigration and Naturalization Service.

I appreciate your interest in this matter and hope that the foregoing explains my office's contact with [REDACTED]. If you have further questions or if I may otherwise be of assistance, please do hesitate to contact me.

Sincerely,



Roger C. Adams
Pardon Attorney

Enclosure